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**Subject:** Schnitzer dredging 1991-00099-1  
**Date:** 09/18/2008 05:12 PM

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Hi James.

Thanks for discussing the issues around turbidity control & monitoring on this upcoming action. I would appreciate if you would forward this email on to the applicant and their consultants to facilitate a speedy resolution to the issues I will express below.

During review of the recent sampling and analysis, I had an opportunity to look up the certification that was issued in Feb 2004 for dredging at this facility. Although I did not work on the evaluation of the proposal for certification, I have worked on most all of the dredging certifications in the state since mid 2005. In particular, I have reviewed and advised on the development of dredging methods, controls and monitoring for several clean-up sites including Port of Portland's berths on the Columbia and the Willamette (including T-4 early action Superfund site) and Bradford Island, as well as various scales of maintenance dredging and sand & gravel mining throughout the state.

EPA recently contacted me with concerns about the requirements for turbidity monitoring and determination of exceedance in the Schnitzer 401 WQC. EPA is currently working at T-4 and carefully controlling and monitoring turbidity to prevent the distribution of contamination during the cleanup work. They have concerns that contaminants could be distributed far and wide during sediment disturbance at the Schnitzer site if inadequate controls are in place, because the allowable exceedance seems high in magnitude and duration. Although the proposed exceedance levels were based on ambient levels in the Willamette in 2003, they seem high to me as compared to current ambient monitoring data. Further, the compliance averaging and retesting are very unclear as to when work stoppage is required or compliance is achieved.

DEQ began revising the Turbidity standard in 2005, and now a better scientific analysis can be made as to the effects of turbidity exceedances. DEQ has since applied different requirements for monitoring turbidity based on the differing sizes and behaviors of various waterways. We have new information in the Willamette particularly due to work by EPA, DEQ, the Corps and independent applicants and their consultants, regarding turbidity and associated contamination distribution. Additionally, TMDLs for mercury and temperature have been developed by DEQ and approved by EPA since issuance of this 401 WQC. In light of this new information and the changing conditions of the Willamette, DEQ would not condition a 401 certification for a future proposal as we did in 2004, and would consider revoking or modifying the existing 401 WQC (per condition 12).

However, because this issue was raised so late in the duration of the existing certification and so close to the scheduled work and close of the in-water work period, DEQ is reluctant to initiate a modification of the Turbidity condition. This would involve a public notice period and would unfairly delay the applicant.

Instead, DEQ proposes that the applicant enhance the proposed monitoring regime and observe a reduced magnitude and duration of turbidity exceedance than the minimum requirements in the 401 WQC. An appropriate model could be that developed for the EPA T-4 action. This may involve additional BMPs and control techniques. To assist the applicant, EPA has offered to provide technical assistance and oversight on the monitoring. I believe there is a common contractor between the projects, which should facilitate the process. EPA will contact the applicant to discuss the details of the proposal.

DEQ understands that this is an "eleventh hour" request and that the applicant has a tight schedule for the dredging due to the in-water window, the volume of traffic at the slip, and the expiration of the 401

WQC and Corps permit this winter. DEQ and EPA are proposing this solution to assist the applicant in moving forward with the project, yet being protective of the potential for exacerbating the known extent of contamination in the river. DEQ believes the proposal to use the close-lipped (environmental bucket), operated by a skilled contractor, and with the precautions described in the applicant prepared plan will greatly assist in controlling turbidity and achieving compliance well below the currently allowed levels. However, sediment disturbance in an uncontrolled fashion could lead to a violation of water quality standards, a third party lawsuit, or jeopardize the cleanup work occurring or planned to occur in the Willamette Superfund site.

DEQ and EPA ask the applicant to consider the costs of slowing the construction schedule slightly as a result of observing a lower exceedance level or applying additional BMPs, against the potential costs of additional sampling and analysis, cleanup, third party lawsuit, agency enforcement, or cessation of the dredging through revocation of the 401 WQC.

I look forward to coordinating with the Corps, EPA, the applicant and their consultant and contractor toward a speedy resolution to these issues.

Thanks.

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